

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY CASIANO,

Plaintiff,

-v.-

CAPT. THEAGERE, NO. 1851;
CORRECTIONAL OFFICER K. LUTON,
NO. 5144; CORRECTIONAL OFFICER C.
FOOTE, NO. 5509; CORRECTIONAL
OFFICER T. GRAY, NO. 17389;
CORRECTIONAL OFFICER K. SHEPARD,
NO. 11487; CORRECTIONAL OFFICER
RUCKER, NO. 2398; CORRECTIONAL
OFFICER B. GERADEAU, NO. 9037;
CORRECTIONAL OFFICER A.
CAPEHART, NO. 3713; CORRECTIONAL
OFFICER SEIVWRIGHT, NO. 17414;
NICOLAS FRANTZ; WARDEN KISA
SMALLS; and THE CITY OF NEW YORK,

Defendants.

19 Civ. 5226 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Plaintiff's motion for partial summary judgment, filed on February 3, 2022. (Dkt. #217-220). The Court notes that Plaintiff filed this motion without complying with the requirement set forth in this Court's Rule of Individual Practice 4(A) that motions for summary judgment be preceded by a pre-motion submission and request for a conference.

As the period for fact discovery has been extended to February 28, 2022, and Defendants have arranged to depose Plaintiff on February 25, 2022 (Dkt. #221), the Court does not believe it appropriate to finalize the briefing schedule

for Plaintiff's partial motion for summary judgment. As such, Defendant's obligation to respond to Plaintiff's partial motion for summary judgment shall be stayed until further order of the Court.

The Court anticipates setting the briefing schedule for Plaintiff's motion after the close of fact discovery and after Defendants have determined whether they intend to file a cross-motion for summary judgment. In the event Defendants decide to move for summary judgment, the Court will set a consolidated briefing schedule so that both motions may be adjudicated at the same time.

Accordingly, the Clerk of Court is directed to terminate the pending motion at docket entry 217. The Clerk of Court is directed to mail a copy of this Order to Plaintiff at his address of record.

SO ORDERED.

Dated: February 8, 2022
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge